

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 106

HON. RAYMOND CHOATE, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)

Plaintiff,)

-vs-)

BRUCE MCGREGOR DAVIS,)

Defendant.)

222

NO. A-267861

VOLUME 22REPORTERS' DAILY TRANSCRIPT

Thursday, January 13, 1972

A. M. SESSION

VOLUME 22APPEARANCES:

For the People:

JOSEPH P. BUSCH, JR., District Attorney

BY: ANTHONY MANZELLA

and

STEPHEN R. KAY,

Deputies District Attorney

For Defendant Davis:

GEORGE V. DENNY, III

BAILEY (CROSS)



COPY

MARY LOU BRIANDI, CSR
ROGER K. WILLIAMS, CSR
Official Court Reporters

PEOPLE'S WITNESSES: DIRECT CROSS REDIRECT RECROSS

BAILEY, Ella Jo 3228

PEOPLE'S: For Identification In Evidence

38 - Firearms Transaction Record 3239

1 LOS ANGELES, CALIFORNIA, THURSDAY, JANUARY 13, 1972, 10:00 A. M.

2

3 THE COURT: Good morning, ladies and gentlemen.

4 (Whereupon, murmurs of, "Good morning," were
5 heard from members of the jury.)

6 THE COURT: The record will show that all the jurors and
7 alternates are present; the defendant is present; all counsel
8 are present.

9 Mr. Denny, you may proceed.

10

11 ELLA JO BAILEY,

12 called as a witness by and on behalf of the People, having been
13 previously duly sworn, resumed the stand and testified further
14 as follows:

15

16 CROSS EXAMINATION
17 (Continued)

18 BY MR. DENNY:

19 Q Miss Bailey, we've marked -- you've marked or
20 designated certain areas on this Exhibit 93.

21 Again, is there a place called the Ranch House?

22 A Uh -- the Farmhouse; is that what you are referring
23 to?

24 Q Well, I don't know. Is there a place known as the
25 Ranch House? On the Spahn Ranch?

26 A That's what I called the back -- the back house.
27 It's labeled on there as the Farmhouse.

28 Q But you refer to it as the ranch house; is that
right?

1 A Yes.

2 Q And that's how far from the Spahn Ranch boardwalk?

3 A Perhaps half a mile to three-quarters of a mile.

4 Q Half a mile to three-quarters of a mile.

5 Now, at the close of yesterday's session, we were
6 discussing, I think, your earlier testimony and the marking of
7 this exhibit, People's 29; that you were at the location here
8 at the north end of the corral where you've drawn a circle and
9 put "E. B." above it.

10 Is that correct?

11 A Yes, sir.

12 Q At the time that this car drove off with four
13 people in it? Three of whom you identified?

14 A Yes.

15 Q And the car -- the Ford that you've drawn a line
16 and put "Ford" above, that passed within ten to fifteen feet
17 of you as it drove away; is that right?

18 A Yes.

19 Q And that's where you were at the time that car drove
20 off; is that right?

21 A Yes.

22 Q And you are sure of that; is that correct?

23 A Yes. I was walking down to the dump.

24 (Pause in the proceedings while Mr. Denny
25 exhibited the photograph to the members of the jury.)

26 MR. DENNY: May the record reflect, your Honor, that I
27 am showing the jury People's 29, and I am pointing to the area
28 that has been described by Miss Bailey.

1 Q This (indicating) is the area that I am pointing
2 to; is that right, Miss Bailey?

3 A Yes.

4 THE COURT: The record may so show.

5 Q BY MR. DENNY: Now, Miss Bailey, again, if you'd
6 come down -- take this microphone. Perhaps with the pointer,
7 you can point out to the jury where you say, on this aerial
8 photograph, People's 93, the approximate position you say you
9 were when you saw this car drive out?

10 A Yes. I was just walking through this area right
11 here (indicating), as the car pulled off the ranch, and went
12 onto Santa Susanna Pass Road (indicating).

13 Q Now, the tip of your pointer now is just to the
14 right of the blue marker "Spahn Ranch"? That's where you are
15 pointing; is that right?

16 A Yes.

17 Q Now, where is the Ranch House, again?

18 A The Ranch House is -- the back -- is the back
19 ranch house, and it's here, the Farmhouse.

20 Q And again, that's about three-quarters of a mile,
21 you say, from that point that you've earlier pointed to at the
22 tip of the corral?

23 A Yes.

24 Q All right. Would you like to retake the stand?

25 Miss Bailey, I would like to ask you if, on May
26 15th, 1970, in Tacoma, Washington -- by the way, was it in the
27 jail that this conversation took place between you and
28 Mr. Whiteley and Mr. Guenther and Mr. Katz and Mr. Dutcher?

29 A We went into an office to talk.

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1 Q In the jail facility?

2 A Uh, yes.

3 Q All right. In the jail facility. And it was
4 Tacoma, was it not?

5 A Yes, it was.

6 Q On May 15, 1970, did you tell the assembled group
7 there who listened to you that "They left while I was at the
8 ranch house"?

9 A No, I can't be sure that those are the words
10 that I used to Sergeant Whiteley. That he copied down notes,
11 you know, using my exact quotes. There is no way I can be
12 sure he did.

13 Q Well, let me just ask you this, Miss Bailey.

14 In substance and effect, did you say in so many
15 words, perhaps not these very words, but did you convey the
16 idea to him so that he could take it down in the words that
17 I have just said to you that at the time these people left,
18 you were three-quarters of a mile away at the ranch house?

19 A No, that's not correct.

20 Q Well, did you tell him in any words at all, ma'am,
21 that when this party left, you were at the ranch house?

22 A I told him I was on the ranch when the party
23 left. Not -- not definitely that I was at the ranch house.
24 I am sure I did not say that to Sergeant Whiteley or anyone
25 else that was there.

26 Q So that if he wrote that down in some notes that
27 he was taking at the time or he made about that time, he's
28 incorrect, is that correct?

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A That's correct, he was incorrect.

Q Did you make any notes of your conversation with him at that time?

A No.

Q Do you have anything to refresh your recollection, like notes or any memorandum, anything of the kind?

A No, I don't have any notes.

Q All right. Now, you say that you saw Bruce Davis with a gun, is that right?

A Uh, what day are you talking about?

Q You'd seen him several times with a gun?

A Yes.

Q With a particular gun?

A Yes.

Q How did he carry that gun?

A In his hand.

Q All the time when you saw him with it?

A When I saw him with it, yes.

Q He just walked around the ranch carrying a gun in his hand?

A I'm not saying he walked around every day carrying a gun in his hand, but the times I saw him he had the gun in his hand.

Q Every time you saw him, he had the gun in his hand?

A Well, I saw the gun in the bunkhouse on other occasions but, yes, I saw Bruce with the gun in his hand on several occasions.

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1 Q Well, just so we get it straight, are you
2 testifying that just about every time you saw Bruce on the
3 ranch he was carrying this gun in his hand?

4 THE COURT: You've asked and she's answered that several
5 times. Please go on.

6 Q BY MR. DENNY: Well, did you ever see him with
7 the gun holstered?

8 A Yes.

9 Q Are you aware that there was a holster for the
10 gun?

11 A No.

12 Q Ever see him with a holster on his side?

13 A No, I did not.

14 Q How about Danny DeCarlo? Did you ever see him
15 with a gun?

16 A Yes.

17 Q More than one gun?

18 A Yes.

19 Q Different kinds of guns?

20 A Yes.

21 Q What kind of guns?

22 A I saw him with a machinegun on several occasions.

23 Q What kind of machine gun?

24 A I don't know how to -- you know, I wouldn't know
25 how to describe it other than to say it was a machine gun.

26 Q Well, you know, you described this gun that
27 Bruce had as black, snub-nosed or short-nosed, a clip goes
28 up in it, it had plastic handles. Try describing the machine

1 gun.

2 A Okay. It had like a canvas handl -- canvas
3 strap that it could be carried over the shoulder. He
4 disassembled it usually and kept it in a violin case. And
5 it also was black in appearance. I don't know what else
6 I can say about it.

7 Q Well, can you say anything else describing it
8 any more fully than that?

9 A No.

10 Q All right. See him with any other guns?

11 A Yes.

12 Q What?

13 A You're referring to Danny DeCarlo, aren't you?

14 Q I'm referring to Danny DeCarlo.

15 A Just like a rifle, a long barreled gun.

16 Q Well, now, like what kind of rifle?

17 A I don't know.

18 Q What caliber rifle?

19 A I'm not sure.

20 Q Is it a single shot, a repeater, what?

21 A No, a single shot, I believe.

22 Q Are you sure?

23 A No.

24 Q Did you ever fire it?

25 THE COURT: That would be immaterial.

26 MR. DENNY: Well, it goes to her powers of observation
27 on this gun, your Honor.

28 THE COURT: I think not. We're talking about a rifle--

1 MR. DENNY: All right.

2 THE COURT: -- as to whether or not she fired a rifle
3 doesn't to me seem to be material.

4 Q BY MR. DENNY: Any other kind of gun Danny DeCarlo
5 had?

6 A Not that I recall. Those two I recall.

7 Q A shotgun?

8 A I remember seeing a shotgun on the ranch, but I
9 don't know if Danny -- you know, if I saw it in his
10 possession.

11 Q He was the armorer, kind of, for the Family,
12 wasn't he?

13 MR. MANZELLA: Objection, --

14 THE WITNESS: In a way.

15 MR. MANZELLA: -- irrelevant and --

16 THE COURT: The answer is in. Overruled.

17 Q BY MR. DENNY: Anyway, he was the armorer? He
18 kept the arms and equipment for the Family, is that right?

19 A Yes, but I wouldn't say he was the sole person
20 that did that.

21 Q All right. He made bullets for the guns, too;
22 loaded, reload, isn't that right?

23 A Yes.

24 MR. MANZELLA: Objection, it calls for speculation.
25 It is vague and ambiguous as to --

26 THE COURT: Overruled, the answer may remain in the
27 record.

28 Q BY MR. DENNY: You saw him load and reload

1 bullets?

2 A Yes, I did.

3 Q Ever help him do it?

4 A Yes.

5 Q All right. He also carried or had a .45 caliber
6 Colt automatic, didn't he?

7 A Danny DeCarlo?

8 Q Yes.

9 A I'm not sure.

10 Q Do you know what a .45 caliber Colt automatic looks
11 like?

12 A No, not in those -- no.

13 Q Do you know what a 9 millimeter Radom automatic
14 looks like?

15 A I know that's the gun you're holding in your
16 hand.

17 Q Because someone told you that, right?

18 A I wouldn't have known it was a Radom.

19 Q All right.

20 By the way, when's about the first time you ever
21 saw Bruce carrying, as you say, this gun around?

22 A I'd say at least a month, -- uh, in the month
23 of June I definitely saw him with a gun on several occasions.

24 Q In the month of June? ~

25 A In 1969.

26 Q 1969?

27 A Uh-huh.

28 Q Now, you're sure of that?

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A Yes.
Q Positive?
A Sure, I'm positive, yes.

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1 Q If I showed you a sales slip that showed that that
2 gun wasn't bought until July 14, would that change your
3 opinion?

4 THE COURT: That's argumentative.

5 MR. DENNY: May I have just a moment, your Honor?

6 (Pause in the proceedings while a discussion off
7 the record ensued at the clerk's desk between Mr. Denny and the
8 clerk.)

9 Q BY MR. DENNY: Did Bruce go by another name some-
10 times, to your knowledge?

11 A Other than New Bruce, I wouldn't know any other
12 name that he went by.

13 Q Jack Paul McMillan?

14 A I hadn't heard that name, no, sir.

15 Q You have never heard that?

16 A No.

17 Q Have never heard that he went by the name of Jack
18 Paul McMillan?

19 A No.

20 Q This is the first time you ever heard of it?

21 A That's right.

22 MR. DENNY: Your Honor, I have an exhibit, a Firearms
23 Transaction Record, previously marked People's 38.

24 Do the People have any objection to having it so
25 marked for identification at this time for this case?

26 MR. MANZELLA: Is that an original?

27 (Pause in the proceedings while a discussion off
28 the record ensued at the counsel table between Mr. Denny and

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1 Mr. Manzella.)

2 MR. MANZELLA: Your Honor, I have an original of that
3 document that I'd prefer be marked for identification, rather
4 than the copy.

5 MR. DENNY: I would be happy to have the original.

6 THE COURT: Do you have it in your possession now?

7 MR. MANZELLA: I'm not sure.

8 George, can I see that a minute?

9 THE COURT: At any event, this may be marked 38 for
10 identification.

11 MR. MANZELLA: Your Honor, may we have the original
12 marked 38 for identification, rather than the copy?

13 THE COURT: Have you found it?

14 MR. MANZELLA: Yes, your Honor.

15 THE COURT: All right. The original of that document
16 may be marked People's 38 for identification.

17 Q BY MR. DENNY: Miss Bailey --

18 THE COURT: How would you describe the document?

19 MR. DENNY: A Firearms Transaction Record Form 4473 of
20 the Treasury Department, IRS.

21 THE COURT: Thank you.

22 Q BY MR. DENNY: Miss Bailey, would you look at the
23 serial number on that gun?

24 A (Witness complies.)

25 Q What is the serial number?

26 A L6365, I believe.

27 Q Well, do you believe or --

28 A It is.

38 ID

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1 Q -- can you read that?

2 A Yes, I can read it.

3 Q L6365. Now, showing you this Firearms Transaction
4 Record, where it says "Serial Number," what does that say?

5 A "L6365."

6 Q It describes the type of gun as "Automatic," right?

7 A Yes.

8 Q "Manufacturer, E. B. Radom, vis Poland," right?

9 A Yes.

10 Q And "Transferee's name, Jack Paul McMillan," right?

11 A Yes.

12 Q And the date of the transaction?

13 A July 14, 1969.

14 Q July 14, 1969.

15 So, did you see Davis with this gun in June of
16 1969?

17 A Apparently not, if it wasn't purchased until July.

18 Q Well, you don't know who Jack Paul McMillan is,
19 though, do you?

20 A No, I don't.

21 Q Maybe it was purchased from him by Jack Paul
22 McMillan; is that right?

23 A I wouldn't know.

24 Q Well, are you intimidated by this document (indica-
25 ting), in your -- so that you change your earlier testimony
26 that you saw him with it in June?

27 A I believed I had seen him -- you know, with a gun
28 several times; and so I thought, you know, it had to be -- you

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1 know, a certain period of time that I had seen him earlier with
2 the gun, since I had seen him on so many occasions with it.

3 Q And you testified under oath, as true -- no
4 question -- before this jury that he had it in June; is that
5 right?

6 A I thought he had.

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1 Q: You thought he had.

2 MR. MANZELLA: Did you want these, Mr. Denny?

3 MR. DENNY: No, I am returning them to you for putting
4 them in the file.

5 MR. MANZELLA: Next time, don't throw them at me.

6 MR. DENNY: I'm sorry.

7 Q: Let's go back a moment to a statement you made
8 about Mary staying in the ranch house, because she was
9 pregnant.

10 Do you remember that?

11 A: Yes, and that's incorrect.

12 Q: Oh, that's another thing that's incorrect.

13 When did you learn that that was incorrect? When
14 you talked to somebody over the --

15 A: No, I just --

16 Q: -- night?

17 A: No.

18 Q: You did talk to somebody about that overnight,
19 didn't you?

20 A: What, that Mary was pregnant?

21 Q: Yes.

22 A: No, I didn't talk to anybody about that overnight.

23 Q: Oh. You thought about it?

24 A: Yes, I did.

25 Q: You thought it might be a good idea to change
26 that, if you were questioned about it?

27 A: Well, it just came into my mind -- I don't know
28 how -- you know, I said that Mary was pregnant at that time--

1 because she wasn't.

2 Q She wasn't, was she?

3 A No, she was not.

4 Q A long time before that, she had delivered --

5 A Yes.

6 Q -- a child?

7 A Yes. I believe I was thinking of Sandy, who
8 was pregnant out -- you know, at the time.

9 Q All right. Now, Bill Vance, this friend of
10 yours, he was known by a number of other names, too, wasn't
11 he?

12 A I just --

13 Q To your knowledge?

14 A Pardon?

15 Q To your knowledge?

16 A To my knowledge, I knew him by one other name.

17 Q What was that?

18 A Van Sickle. William Joseph Van Sickle.

19 Q How about Duane Schwarm?

20 A No, I hadn't heard him referred to by that name.

21 Q William Rex Cole?

22 A I'm not sure when I -- I have heard that name,
23 but I'm not sure when I did.

24 Q You are not sure who mentioned that name to you?

25 A That's right.

26 Q Among other attributes of Mr. Vance, he was a
27 check passer; is that correct?

28 MR. MANZELLA: Objection, your Honor. That doesn't

1 appear to be relevant.

2 MR. DENNY: It is relevant, your Honor.

3 THE COURT: The objection is sustained.

4 MR. DENNY: Well, may I approach the bench on that,
5 your Honor?

6 THE COURT: No, you may not.

7 MR. DENNY: Well, I would like to make an offer of
8 proof as to its relevancy, your Honor.

9 THE COURT: You may make your offer of proof.

10 You may approach the bench for that purpose.

11 (Whereupon the following proceedings were had
12 at the bench among Court and counsel, outside the
13 hearing of the jury:)

14 MR. DENNY: Your Honor, my offer of proof is that in
15 the Shea case, they are going to introduce into evidence --
16 I assume -- the small brown briefcase or attache case, and
17 also the large blue gray suitcase, each of which contained
18 checks and other written material, in the name of William
19 Rex Cole and Duane Schwarm.

20 And these are names of -- that Bill Vance used,
21 and --

22 THE COURT: You believe you can establish that these
23 are names that he used?

24 MR. DENNY: Yes, I can. And further, that -- that
25 this witness can testify that he was a check passer; and that
26 it is relevant and material to show that he was the one who
27 had these suitcases.

28 THE COURT: The People?

1 MR. MANZELLA: Frankly, I don't know what the fact
2 that he is a check passer has to do with the suitcases.
3 I don't see that at all.

4 We intend to introduce the driver's licenses
5 showing the photograph of Bill Vance, in the names of others;
6 I think it's William Rex Cole and Duane Schwarm -- and
7 whatever other names he used.

8 We introduced them at the Manson trial; we intend
9 to introduce them again.

10 But there are two objections: One, how did she
11 know that he is a check passer? That's a conclusion on her
12 part.

13 Secondly, I don't see what relevance it has to
14 the checks in the suitcase, if the checks in the suitcase --
15 to tie Vance into the suitcase, by his -- the names on the
16 checks is one thing; but what does his being a check passer
17 have to do with that? How does that connect him with the
18 suitcase?

19 I don't understand it.

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1 MR. DENNY: The fact that he took that suitcase, and he
2 had the documents to pass as forged checks -- among them,
3 checks from the Spahn Ranch, signed with the signature of
4 George Spahn -- and that he had a motive for dumping these
5 things himself; and there is evidence --

6 THE COURT: Well, it is conclusionary, isn't it, to ask
7 her whether he is a check passer?

8 MR. DENNY: Well, that -- if I can approach it simply
9 from her knowledge of having gone out with him, and passing
10 checks.

11 MR. MANZELLA: Your Honor, I don't understand what that
12 has to do with the suitcase, however.

13 THE COURT: Well, he's indicating that --

14 MR. MANZELLA: If you can show that the checks were
15 Bill Vance's, fine. And we intend to show that ourselves, that
16 the checks were Bill Vance's.

17 But what is being a check passer -- what does that
18 have to do with that? If you can say that -- uh -- well,
19 I'm trying to think of some other example.

20 I don't see what the one has to do with the
21 other. I mean, there are checks; you can see that by looking
22 at them. They were found in the suitcase, and they have
23 Bill Vance's aliases on them.

24 THE COURT: And the People, you say, introduced --

25 MR. MANZELLA: And we intend to argue that they are Bill
26 Vance's checks.

27 THE COURT: That they are Bill Vance's?

28 MR. MANZELLA: Yeah. And that he had the suitcase.

2b-2
1 We also intend to show that -- I think it was Vance
2 who had one of Shea's guns, right in the beginning of
3 September, down at the ranch.

4 MR. DENNY: Just so.

5 MR. MANZELLA: But what does being a check passer have to
6 do with that? I just don't understand how that has to do with
7 who had possession of the suitcase.

8 THE COURT: I'll sustain your objection on the grounds
9 that it's conclusionary, and it -- it does appear to be -- I
10 can't follow it quite either.

11 Your idea is that since he's a check passer, he
12 would be more likely to have possession of that suitcase than
13 somebody who was not?

14 MR. DENNY: Well, that he had possession of the suitcase.

15 MR. MANZELLA: I don't think there's any question about
16 that.

17 MR. DENNY: All right. That he was motivated to dispose
18 of that suitcase, but that he -- and this is one of the
19 People's -- one of the defendant's theories in this case: That
20 he was, if anyone, responsible for the death of Shorty Shea.

21 He had Shorty's gun shortly afterwards, and that
22 he killed Shorty, in the course of his forgery, check passing
23 operation.

24 THE COURT: All right. The question in its form at this
25 time would appear to be calling for a conclusion, and it's
26 sustained. The objection is sustained.

27 (Whereupon, the following proceedings were had in
28 open court, within the presence and hearing of the jury:)

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1 BY MR. DENNY:

2 Q Miss Bailey, did you ever see any checks in the
3 possession of Mr. Vance, that had other people's names up on
4 the top, where normally your own name is, up in the left-hand
5 corner?

6 A (Pause.)

7 Would you repeat it?

8 MR. DENNY: Would you read it to her, Mr. Williams?

9 (Whereupon, the record was read by the reporter
10 as follows:

11 "Q Miss Bailey, did you ever see any checks
12 in the possession of Mr. Vance, that had other
13 people's names up on the top, where normally your
14 own name is, up in the left-hand corner?"

15 THE WITNESS: Not in Mr. Vance's possession, no.

16 Q BY MR. DENNY: All right. By the way, we talked
17 a little bit yesterday about the fact that you are not worried
18 about a perjury conviction, and the fact that the only person
19 you ever heard about being prosecuted, who had testified for
20 the prosecution, and then was prosecuted for perjury, was
21 Mary Brunner; is that right?

22 A Yes.

23 Q And you were aware that she's being prosecuted
24 because she said she lied in the Bobby Beausoleil case; is that
25 right?

26 MR. MANZELLA: Objection, your Honor. That doesn't
27 appear to be relevant.

28 THE COURT: Sustained.

2b-4

1 MR. MANZELLA: Ask that the question be stricken.

2 THE COURT: Yes. The question is stricken, ladies and
3 gentlemen.

4 Q BY MR. DENNY: Well, you said that you were
5 going to be granted immunity, and the felony charge up in
6 Washington would be dropped against you if you testified fully
7 and truthfully in the cases against Charles Manson, Susan
8 Atkins -- and who else?

9 A Mary Brunner and Bruce. Bruce Davis.

10 Q And when were you told this?

11 A When I was in Washington.

12 Q When?

13 A I can't remember if it was after my first
14 conversation or what conversation it was, you know.

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1 Q Well, let's see if we can refresh your recollec-
2 tion a little bit.

3 All right, going to page 3137 of this transcript:

4 "Q And they didn't tell you they'd drop the
5 charges until the 16th, is that right, or was it on
6 the afternoon or late in the conversation on the
7 15th?

8 "A I don't remember what day it was.

9 "Q It was at least after the initial conver-
10 sation with them where you spilled the story to them;
11 is that right?

12 "A Yes.

13 "Q Was there a discussion about immunity
14 at the same time?

15 "A Yes.

16 "Q Now, did they tell you that there's a
17 court procedure, a proper court procedure, where
18 you apply to a Superior Court to be granted
19 immunity under statutory provisions for that?"

20 There is a bunch of objections there.

21 All right.

22 "Q Were you advised about getting immunity through
23 a statutory procedure to do so?"

24 The Court overrules that objection.

25 "THE WITNESS: I don't recollect their wording
26 about, you know, any procedures that they would have
27 to go through to grant me immunity. I don't recall.

28 "Q Well, now, what do you recall about the

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1 "conversation of immunity? Tell us the conversation,
2 what you said and what anybody else said.

3 "A Okay.

4 "I asked them, you know, if I testified
5 at the trial, you know, what would happen to me. And
6 they told me if I testified completely and truthfully
7 at Charles Manson's, at Bruce Davis' trial, at Susan
8 Atkins' trial, and at Mary Brunner's trial that they
9 would grant me immunity from any charge that was
10 outstanding against me in the case or in connection
11 with any of this.

12 "Q In connection with the Hinman case?

13 "A Yes."

14 Do you remember that?

15 A Yes.

16 Q So was the conversation on May 16, 1970?

17 A Yes. It was after the first conversation with
18 them.

19 Q All right. But it was, then, on the 16th of May,
20 then, is that right?

21 A Yes.

22 Q Now, on the 16th of May, did they tell you that
23 Mary Brunner had recanted her testimony in the Beausoleil
24 case?

25 A I don't recall.

26 Q Mary Brunner wasn't even charged at that time,
27 was she?

28 A I don't know.

3-3

1 Q You do know a little bit about the circumstances
2 of that case, don't you?

3 MR. MANZELLA: Objection, that doesn't appear to be
4 relevant, your Honor.

5 THE COURT: Sustained.

6 Q BY MR. DENNY: Well, you know that she wasn't
7 charged until after June, don't you know that?

8 A No, I didn't know that.

9 Q After she testified to the new trial proceeding,
10 motion for a new trial; did you know that?

11 MR. MANZELLA: Objection, it doesn't appear to be
12 relevant.

13 THE COURT: The objection is sustained.

14 Q BY MR. DENNY: Well, are you sure the officers
15 told you that you'd be granted immunity if you testified
16 against Mary Brunner?

17 A I know that that's when it came to my signature on
18 a statement, those four names were in the agreement.

19 Q What statement did you sign?

20 A A statement saying that I would be granted
21 immunity if I testified, you know, at these four trials.

22 Q When did you make that statement? When did you
23 sign that statement?

24 A I don't recall the date. I believe it was some-
25 time later that year.

26 Q September?

27 A Yes, I believe so.

28 Q When Sergeant Whiteley came up?

1 A Yes, I believe so.

2 I'm not real sure, you know, at what time they
3 presented me with the papers to sign.

4 I don't remember.

5 Q Do you know where that statement is now?

6 A No, I don't know who retained a copy of it. I
7 didn't.

8 Q Well, now, does it refresh your recollection,
9 thinking about it, that they didn't mention testifying against
10 Mary Brunner until September rather than in May?

11 A No, it doesn't really refresh my memory. I
12 can't remember, you know, when her name was included or --

13 Q Well, would it help you to see the Court's file
14 in the Beausoleil case when she testified at the new trial
15 hearing?

16 A I wouldn't know. I wouldn't know anything about
17 the court files.

18 Q You wouldn't, all right.

19 By the way, when did you last see Bill Vance?

20 A 1969.

21 Q When in 1969, ma'am?

22 A In August.

3a fls.

3a-1

1 Q When in August?

2 A I know it was the latter part of the month. I
3 don't remember the exact date.

4 Q You didn't keep a calendar, did you?

5 A No.

6 Q Didn't wear a watch in that period of time, did
7 you?

8 A No, I did not.

9 Q Didn't pay much attention to one day from another,
10 did you, as far as the dates went?

11 A I know the date would, you know, come in -- I'd
12 be aware of the date on certain dates and not be on others.

13 Q Any particular day where you were aware of a date
14 in July or August of 1969?

15 A Yes, I was aware of the date that I left the
16 ranch.

17 Q What date was that?

18 A July 28.

19 Q You're sure?

20 A Yes.

21 Q All right. That's the only date that you are
22 aware, is that right?

23 MR. MANZELLA: That question appears to be overbroad,
24 your Honor, it is vague and ambiguous.

25 THE COURT: What's the question?

26 Q BY MR. DENNY: That's the only particular date
27 that you are aware of in --

28 THE COURT: I'm sorry, let me hear the question.

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1 Are you withdrawing the question?

2 MR. DENNY: Yes, I rephrased it.

3 Q That's the only particular date that you were
4 particularly aware of in that two-month period of July and
5 August, 1969, is that right?

6 A No, I wouldn't say that's really true. It is two
7 and a half years later now. I don't recall the dates I
8 remembered at the time, but I definitely was aware of the date
9 I was arrested in Ohio at the time. I was aware of that date.

10 Q All right. By the way, during your visits to and
11 from the Hinman home, were you ever aware of the fact that
12 Bobby Beausoleil was staying there, living there for a period
13 of time?

14 A No.

15 Q You never became aware of that fact in any way?

16 A That Bobby Beausoleil lived with Hinman, no.

17 Q When did Linda Kasabian join the Family?

18 A I can't recall the exact, uh, time when she joined
19 the Family.

20 Q Do you have any recollection at all?

21 A I know it was later than May.

22 Q Later than May of 1969?

23 A Yes.

24 Q June, July?

25 A I'm not sure which month.

26 Q Was Linda there at this meeting that you say
27 occurred at the campground of Devil's Canyon, the particular
28 night we've discussed at such great length?

1 A I don't remember if she was.

2 Q Now, you remember Linda bringing a good deal of
3 money to the Family at the time she came?

4 A Yes.

5 Q How much?

6 A Uh, the figure \$5,000 comes to my mind. I'm not
7 sure if it was exactly that.

8 Q And at about the same time she brought a whole bag
9 of LSD tabs, didn't she?

10 A I don't know.

11 Q You never were made aware of that?

12 A I don't know if she did or not.

13 Q Well, did you hear anything about bringing LSD?

14 MR. MANZELLA: Objection, that calls for hearsay.

15 MR. DENNY: Goes to her state of mind, your Honor.

16 THE COURT: Overruled, you may answer.

17 THE WITNESS: Would you repeat the question?

18 MR. DENNY: Would you read it, Miss Briandi?

19 (Whereupon, the question was read by the
20 reporter as follows:

21 "Q Well, did you hear anything about bring-
22 ing LSD?")

23 Q BY MR. DENNY: About her bringing LSD?

24 A I don't remember.

25 Q Well, wasn't that the period of the summer of '69
26 when you laid out in the sun under the influence of LSD?

27 A Not when I did, sir.

28 Q That you told Mr. Kanarek about on August 12th or

1 13th of this year?

2 A I know that other people took LSD during that
3 summer, but I did not.

4 Q All right. But as you say, you smoked marijuana,
5 is that right?

6 A Yes, I did.

7 Q Smoked marijuana every night around the campfire
8 there out at Devil's Canyon, is that right?

9 A I don't think you can say about every night,
10 no, sir.

11 Q Smoked marijuana on the night of this conversation
12 that you told us about that occurred where Gary Hinman's name
13 was mentioned, right?

14 A I don't know.

15 Q Well, do you have any recollection at all?

16 A I don't.

17 Q All right, let me try to refresh your recollection,
18 ma'am.

19 5203 of the transcript of your testimony on August
20 13, 1971.

21 "Q BY MR. KANAREK: On the occasions that
22 you have spoken of, Miss Bailey, on -- let us say
23 that night when you say Mr. -- you mentioned
24 Mr. Hinman's name first concerning money, on
25 that night did you take any marijuana?

26 "A I really don't remember if we did
27 or not.

28 "Q You might have, though?

1 "A Possibly we did.

2 "Q You might have been under the
3 influence of marijuana when all of that occurred,
4 right?

5 "A When all of what occurred?

6 "Q That evening that you purportedly
7 are telling us about?

8 "A Well, I could have been smoking
9 marijuana, I don't remember."

10 Do you remember that?

11 A As you read it, yes, I remember it.

12 Q And having had that read to you, is it true that
13 you could have been smoking marijuana?

14 A Yes, it is true we could have been.

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1 Q And you could have been under the influence of
2 marijuana that night?

3 A We could have been smoking it, yes.

4 Q Well, when you smoke it, you become under the
5 influence of it, don't you? That's why you smoke it, isn't
6 it?

7 THE COURT: You have two questions there.

8 Q BY MR. DENNY: Take the first one, and then the
9 second one.

10 When you smoke marijuana, you become under the
11 influence of it?

12 A Yes.

13 Q You do, personally?

14 A Yes.

15 Q That's why you smoke it, isn't that right?

16 A Yes.

17 Q All right. And you were under the influence
18 of marijuana that night, is that right?

19 A No, I can't say that I was or I can't say I
20 wasn't. I don't remember.

21 Q You don't remember. All right.

22 By the way, I've noticed that almost every time
23 you refer to Mr. Manson during the course of this trial,
24 you keep calling him Charles, Charles; is that right,
25 Charles?

26 A I don't know.

27 Q What did you call him during the time that you
28 were living with him, eating with him, sleeping with him,

3b-2

1 in those -- year and ten months that you lived with him?

2 A You mean when I was talking directly to him?

3 Q Yeah.

4 A I probably called him Charles a great deal of
5 the time when I was speaking with him.

6 Q And when you were talking about him among other
7 people?

8 A With the girls, I probably called him Charlie.

9 Q I see. Has anybody told you in testifying before
10 the jury it would be better, perhaps, to use the proper names
11 of the parties of the Manson Family?

12 A No.

13 Q Instead of Sadie, use Susan? Instead of Charlie,
14 say Charles?

15 A I don't believe anyone told me, you know, to
16 use proper names.

17 Q You just did that on your own, is that right?

18 A It is how -- I suppose it is how I regard these
19 people now.

20 Q Oh. Well, back when you were living in and among
21 them, you called Susan Atkins "Sadie" like everybody else?

22 A Yes.

23 Q Sadie Glutz, right?

24 A Yes.

25 Q And Charles Watson, you called "Tex" like
26 everybody else, right?

27 A Yes. Pretty much.

28 Q All right. Now, this particular evening where

3b-3

1 you were sitting around the campfire and discussing money,
2 that wasn't anything so unusual, was it?

3 A What do you mean discussing money or sitting at
4 the campfire or both? No, it wasn't too unusual.

5 Q Discussed money all the time, how to get money,
6 right?

7 A It was a direct conversation, yes.

8 Q All the time Manson was asking the members of the
9 Family if they knew how to get money, who they could get
10 money from, right?

11 A Yes.

12 Q So there was no particular reason why you should
13 remember this particular conversation, is that right?

14 A No, that's not exactly true.

15 Q There's no particular reason why you should
16 remember who was at this particular conversation, is that
17 right?

18 A In a way there is.

19 Q Well, why is that?

20 A Because after we had been spotted by the fire
21 patrol, Charlie made, uh, uh, a big emphasis on everybody
22 being -- everybody that could be, except the girls that were
23 taking care of the babies or watching George Spahn, that
24 everyone else be present at the campfire in Devil's Canyon.

25 Q Oh, so, you're kind of jumping to the conclusion,
26 then, that all the other Family members must have been there
27 on this night, is that right?

28 A No, I'm not jumping to the conclusion. I

3b-4

1 remember, you know, a lot of the people there.

2 Q You do?

3 A Yes.

4 Q Well, let's go to that.

5 THE COURT: Hasn't that been covered yesterday, Mr. Denny?

6 MR. DENNY: Well, I'm not sure, your Honor.

7 THE COURT: In great length.

8 Q BY MR. DENNY: You remember specifically Bill
9 Vance being there?

10 A Yes.

11 Q How about Alan Springer? Was he there that night
12 during this conversation that you've referred to?

13 A I don't know. He wasn't a real regular member
14 of the Family. I don't remember if Al Springer were there or
15 not.

16 Q Now, Springer came up there fairly regularly?

17 A I wouldn't even say fairly regularly, no.

18 Q Well, did you see him up there in June, May?

19 A I don't remember. I don't remember when I did see
20 Alan Springer last.

21 Q No, when did you see him first up there?

22 A First?

23 Q Yeah.

24 A At the ranch?

25 Q Yeah.

26 A I don't remember.

27 Q Well, about when?

28 A I believe we were living in Topanga Canyon when

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1 I first met Al Springer.

2 Q Well, when did you first see him up at the ranch,
3 though?

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4 A I don't recall.
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1 Q And you say you were living in Topanga Canyon
2 when you first saw him. Was Charlie there at that time?

3 A Charles Manson, yes.

4 Q Yeah, Charlie, you know.

5 And he met Al Springer, then, at Topanga Canyon?

6 A Yes.

7 Q And Al visited several times in the presence of
8 Charlie?

9 A A few times.

10 Q All right. And then, at the ranch, he came up
11 to the ranch after you moved onto the ranch at around March
12 of '69?

13 A A few times he came.

14 Q March or April?

15 A I can't be sure when he came up for his visits.

16 Q All right. But it was kind of spread over these
17 several months, at least?

18 A Yes.

19 Q Came up off and on. And Charles Manson was there,
20 those times?

21 A I don't remember if Charles Manson was there
22 every time Al Springer came for a visit. I don't know.

23 Q All right. Now, when you had this conversation
24 again back in Tacoma, up in Tacoma on May 15, 1970, in the
25 presence of Sergeant Whiteley, who was taking notes, and
26 Deputy Guenther, Deputy Attorney Katz, and your attorney,
27 Mr. Deutcher, did you tell Sergeant Whiteley that Al Springer
28 might have been up there on this particular night of the

1 conversation in the Devil's Canyon area?

2 A I don't recall if I told Sergeant Whiteley that.

3 Q Did you tell him you weren't sure that Bill
4 Vance was there?

5 A No, I told him I was sure he was.

6 Q So if he put a question after Bill Vance's name
7 that wouldn't indicate that you had expressed any doubt or
8 reservation about whether Bill Vance was there or not?

9 A No, I know I knew that Bill Vance was at the
10 campfire that night.

11 Q Now, did you tell him that Mary Brunner was there?

12 A Yes, I believe I did.

13 Q You believe you did. Are you sure?

14 A Yes, I did.

15 Q Are you positive?

16 A Yes.

17 Q Are you as positive, ma'am, as you were that
18 Bruce had the gun in June?

19 MR. MANZELLA: That's argumentative, your Honor.

20 THE COURT: The objection is sustained.

21 Q BY MR. DENNY: Well -- well, if notes made by
22 Mr. Whiteley don't reflect Mary Brunner's name, is that an
23 oversight on his part?

24 A I believe it is. It could be.

25 MR. MANZELLA: Objection, that calls for speculation on
26 the part of the witness. Sergeant Whiteley is not required
27 to take notes of every word spoken by a witness in an inter-
28 view.

1 THE COURT: The objection is sustained.

2 Q BY MR. DENNY: Now, then, you say that you moved
3 back to the Spahn Ranch a matter of a few days after this
4 Devil's Canyon conversation, is that right?

5 A Yes.

6 Q Are you sure of that?

7 A Yes.

8 Q Well, again, going back to this conversation with
9 Sergeant Whiteley and Deputy Guenther, and Mr. Deutcher,
10 Burton Katz. Did you tell Mr. Whiteley and the assembled
11 group there that this thing was set -- that is going to
12 Hinman's house -- was set for the next night? That means the
13 night after the conversation?

14 A No, I did not tell Sergeant Whiteley that.

15 Q And that the next morning you had a conversation
16 with Bill Vance about you were scared and you didn't want to
17 go?

18 A Yes, I believe I had told him that Bill Vance and
19 I talked about it after the night at the campfire.

20 Q And that that was the next morning?

21 A I don't recall if it was the very next morning
22 that I talked to Bill about it.

23 Q Well, did you tell Sergeant Whiteley -- no matter
24 what you recall now, did you tell Sergeant Whiteley "Next
25 morning I told Bill Vance I was scared and didn't want to
26 go"?

27 A No, I can't be sure that's what I told him. Those
28 notes -- I don't think they are very accurate at all.

1 Q But you don't have any more accurate notes, do
2 you?

3 A I don't have any notes,

4 Q All right. But, anyway, right after you talked
5 to Bill Vance, then, there was this conversation with Charles
6 Manson, is that right? That you've related, where Bill Vance
7 says "She's got better things to do. She's not going"?

8 A Would you repeat it kind of --

9 Q The same day that you had the conversation with
10 Bill Vance in which you said you were scared and didn't want
11 to go or something of that kind -- well, let me rephrase that.

12 The same day that you had the conversation with
13 Bill Vance, that very same day Mr. Manson had this conversation
14 with you, and Bill Vance said, in effect, "She's not going.
15 She's got better things to do."

16 Is that right?

17 A We talked about it that day but we had talked
18 about it before that day, also.

19 Q Well, was there a period of several days, then?

20 A A few days.

21 Q A few days, all right.

22 Ma'am, I want to draw your attention again to
23 some of your testimony previously, starting at page 3015.

24 "Q BY MR. MANZELLA: All right, now, Miss
25 Bailey, the area which you have circled on the
26 photograph, People's 29 for identification, the
27 left-hand portion of the photograph --" I'm sorry.

28 All right.

1 "Is that the area to which you referred,
2 to which you refer to as the dump?

3 "A Yes.

4 "Is that where you were when Mr. Manson,
5 when you and Mr. Manson had the conversation?

6 "A Yes."

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1 "Q And who was present at the time,
2 other than you and Charles Manson?

3 "A Bill Vance.

4 "Q And who is Bill Vance?

5 "A He was a member of the Family.

6 "Q What were you doing in that area
7 which you refer to as the dump at the time
8 that you had the conversation with Mr. Manson
9 or prior to the time that you had the conversa-
10 tion with him?

11 "A I was cleaning up the area.

12 "Q What was Mr. Vance doing there at
13 the time?

14 "A He just came down to speak to me.

15 "Q And this was -- and this is at
16 dusk on Friday, July 25, 1969?

17 "A Yes.

18 "Q What did Mr. Manson say to you?"

19 And then after some colloquy, we go over to

20 Page 3030.

21 "Q Miss Bailey, I was at the point
22 where I believe I had asked you: What did
23 Mr. Manson say to you at that time?

24 "A He said he wanted me to go along with
25 Robert Beausoleil to Gary Hinman's house.

26 "Q And was that the extent of what he
27 said to you at that time?

28 "A Yes.

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1 "Q And did you reply to Charles Manson?

2 "A Bill Vance made the reply for me.

3 "Q Did you do anything at the time that
4 Mr. Manson said what he had said? If you recall.

5 "A No.

6 "Q What did Mr. -- and what did Bill
7 Vance say to Mr. Manson?

8 "A He said, 'Ella has better things to
9 do on the ranch. She is not going to Gary
10 Hinman's.'

11 "Q And what happened after that, if
12 anything?

13 "A Charlie walked away."

14 Do you remember that?

15 A Yes, I do.

16 Q All right. That's just the way it happened?

17 A Yes.

18 Q And didn't it happen this way?

19 "Next morning, I told Bill Vance I was
20 scared and didn't want to go. Then Vance
21 talked to Charlie at the ranch house about me
22 not going, and Charlie came on the boardwalk
23 and said, 'You are not going. Sadie, you take
24 her place.'

25 "Sadie was glad. She ran all over the
26 ranch, excited."

27 Isn't that the way it happened?

28 A No.

4-3

1 Q There was no conversation at the dump with you and
2 Mr. Vance and Mr. Manson; was there?

3 A Yes, there certainly was.

4 Q Did you tell Sergeant Whiteley about that conversa-
5 tion, on May 15, 1960 -- 1970?

6 A Yes, I told him.

7 Q Well, you told him just what I've read, too,
8 didn't you?

9 A No, I did not.

10 Q That's a figment of his imagination?

11 A I think that's his confusion.

12 Q His confusion. You weren't confused?

13 A No, sir. I remember Charlie coming down to the
14 dump and what was said and who I was with and when and where
15 it happened.

16 Q The same way you remember where you were standing
17 when that car drove out; is that right?

18 A Yes, sir.

19 Q And it's confusion of Mr. Whiteley, that he put down
20 that you were back at the ranch house when they drove out; is
21 that right?

22 A Well, I think those are scattered notes, and that
23 they're not consistent at all.

24 Q But you were consistent?

25 A Yes, I was, as far as where that conversation took
26 place, yes.

27 Q By the way, let me go back, if I can, because I
28 think we dropped the subject a little prematurely yesterday.

4-4
1 Oh, do you remember how much bail was up on you,
2 by the way?

3 A No.

4 Q You still haven't had your recollection refreshed
5 on that?

6 A No.

7 Q You didn't talk to your mother about that?

8 A No, I didn't ask her about that.

9 Q All right. But the bail really wasn't the thing
10 that was holding you, was it?

11 A It was a matter of having property in the State of
12 Washington.

13 Q Well, you were being held in jail under some other
14 type of hold other than simply the felony hold; is that right?

15 A No, I don't think so.
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1 Q Now, do you know what an accomplice is?

2 MR. MANZELLA: Objection. It really doesn't matter,
3 your Honor, as to the -- it's the witness's legal conclusion.

4 MR. DENNY: This goes to her state of mind, your Honor.

5 THE COURT: Overruled. You may answer.

6 THE WITNESS: Yes.

7 Q BY MR. DENNY: Who explained to you what an
8 accomplice was?

9 MR. MANZELLA: That assumes a fact not in evidence.

10 Q BY MR. DENNY: Did anybody explain to you what an
11 accomplice was?

12 A Do you mean recently?

13 Q Any time, ma'am. Any time in the last two years.

14 A In the last two years? No, I don't think anyone
15 told me the definition of an accomplice.

16 Q Did Mr. Katz tell you, Burton Katz tell you what
17 an accomplice was?

18 A No.

19 MR. MANZELLA: The question has been asked and
20 answered, your Honor. She said she doesn't remember that any-
21 one told her.

22 THE COURT: Sustained.

23 Q BY MR. DENNY: What is an accomplice?

24 A Oh --

25 MR. MANZELLA: That appears to be irrelevant, your
26 Honor. It calls for a legal conclusion.

27 THE COURT: Sustained.

28 Q BY MR. DENNY: Well, Miss Bailey, do you know what

1 it is to advise, encourage, and counsel in the commission of
2 a crime?

3 MR. MANZELLA: That calls for a legal conclusion, your
4 Honor. That's objectionable.

5 MR. DENNY: Your Honor, this again goes to her state of
6 mind.

7 THE COURT: Overruled. I'll --

8 MR. MANZELLA: Your Honor, are the People going to be
9 allowed to introduce evidence of what an accomplice is? Can
10 we call law professors and so on to get in evidence of what an
11 accomplice is?

12 That's what Mr. Denny's doing.

13 MR. DENNY: It's already been read to the jury, a
14 CALJIC instruction on it.

15 MR. MANZELLA: But we don't ask witnesses for legal
16 conclusions on it. It might be confusing.

17 THE COURT: I'll overrule the objection.

18 You may answer.

19 THE WITNESS: Would you repeat the question, please?

20 MR. DENNY: Would you read it, please, Mr. Williams?

21 THE COURT: Well, just a minute. I'll retract my ruling.

22 The Court sustains the objection.

23 However, you may rephrase your question.

24 Q BY MR. DENNY: All right. Let's get right down to
25 the meat of it.

26 You told Sergeant Whiteley, Deputy Guenther and
27 Deputy District Attorney Katz on May 15 and May 16, 1970, that
28 there was conversation about getting money, and that you

1 suggested getting Gary Hinman's name; and that the subject of
2 killing Gary Hinman was brought up in that conversation in
3 Devil's Canyon; isn't that right?

4 A No.

5 Q What's wrong about it?

6 A The fact that the conversation about killing --
7 I don't recall that that took place at that -- at that time.
8 It was talked about money.

9 Q And that's all?

10 A I don't recall.

11 Q Let me go back to your sworn testimony, ma'am,
12 in the Grand Jury hearing, where you testified against Mary
13 Brunner.

14 THE COURT: This portion was -- is this a portion that
15 was covered yesterday?

16 MR. DENNY: Well, your Honor, I think it's proper in
17 view of her answer at this time --

18 THE COURT: She has already responded to that effect
19 yesterday, Mr. Denny.

20 MR. DENNY: Well, your Honor, she's changing her
21 testimony again, apparently.

22 THE COURT: Well, the Court doesn't agree with your
23 conclusion with respect to it, but if you wish to -- if you
24 wish to go into the subject again --

25 MR. DENNY: Just briefly, your Honor, yes.

26 THE COURT: All right. Just briefly, you may do so.

27 MR. DENNY: Quoting from Page 59 of the Grand Jury
28 transcript:

1 "Q Can you tell us what the conversation
2 was and who the speakers were?

3 "A Well, Charles Manson did most of
4 the -- although there were several other people
5 who also talked at the time. I don't remember
6 exactly who said what after the conversation,
7 but both kidnaping and then later on killing
8 was mentioned at the conversation.

9 "Q Was it Mr. Manson who made mention
10 of kidnaping and killing?

11 "A Yes, he did.

12 "Q Was Mary Brunner present at that
13 particular conversation?

14 "A Yes, she was.

15 "Q You have a specific recollection of
16 that?

17 "A Yes, I do."
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1 Q Were you lying under oath, then?

2 A Mr. Denny, that "later on" could have been in the
3 days that followed after that conversation at the campfire.

4 I don't believe that killing was mentioned at the
5 campfire that night.

6 Q Let's go back here, then, please. Page 58 of
7 the Grand Jury transcript.

8 "Q Where is Devil's Canyon with relation to
9 the Spahn Ranch?

10 "A Right across the street, there is the Spahn
11 Ranch.

12 "Q Is that located in the Santa Susanna Pass
13 in the County of Los Angeles? Or is that just over
14 the line?

15 "A I'm not sure.

16 "Q In relation to the general outline of the
17 County, what town or area is nearby?

18 "A Canoga Park and Chatsworth and the Simi
19 Valley.

20 "Q That would be within several miles of
21 Topanga Canyon, where Mr. Hinman lived?

22 "A Yes.

23 "Q Was there any discussion of the manner of
24 obtaining money from Gary Hinman? Was that discussed
25 in these two conversations that you mentioned?

26 "A Yes. First of all, it was suggested that
27 perhaps he just be approached, and he might willingly
28 give his money to the Family, and perhaps come with it.

4b-2

1 "Q Who was it, if you know, that made that
2 particular suggestion?

3 "A Well, I know Charles Manson mentioned it.

4 "Q Was that at the first conversation? The
5 first conversation?

6 "A Yes.

7 "Q And was that in Devil's Canyon; is that
8 right?

9 "A Yes.

10 "Q Was that after his name had first been
11 brought up as a person who had money?

12 "A Yes.

13 "Q Was there some subsequent conversation about
14 getting money from him, in some other way?

15 "A Yes.

16 "Q Was that conversation strictly about Mr.
17 Hinman, or were there other names mentioned?

18 "A There were other names mentioned, too.

19 "Q You told us about a continuation of the
20 first conversation?

21 "A Yes.

22 "Q Was this still in Devil's Canyon?

23 "A Yes.

24 "Q Can you tell us what the conversation was
25 and who the speakers were?

26 "A Well, Charles Manson did most of the --
27 although --"

28 And as we read. That's the same conversation,

WHAT MEAN OF
"SUBSEQUENT"?

WHAT OTHER
WAY?

"PEALS"

MADE
NO REFERENCE
TO SPECIFIC
PERSON;
FIRST TIME

WAS A
FRIDAY
NIGHT
(JANUARY)

4b-3

1 isn't it?

2 A Well, I -- I believe that that continuation could
3 have been over a longer period of time than just sitting around
4 that campfire that night.

5 Q Do you believe that? Is that what you are saying?

6 A Yes.

7 Q And then this, on May 15, 1970, to Sergeant
8 Whiteley:

9 "Someone --" referring to -- no, let's
10 go back here.

11 "Devil's Canyon, approximately July 24th,
12 1969."

13 Now, do you remember telling him that it was
14 approximately July 24th, 1969, that this conversation was
15 had in Devil's Canyon?

16 A I don't remember telling him the date July 24th,
17 but --

18 Q Was it July 24th?

19 A Specifically that date?

20 Q Yes.

21 A I don't know.

22 Q (Reading.)

23 "Moved campsite. Gypsy rolled drum;
24 Charlie beat her up."

25 Do you remember telling them that?

26 A Yes.

27 Q (Reading.)

28 "Present: Charles Manson, Tex Watson,

4b-4

1 "Bruce Davis, Robert Beausoleil, Bill Vance --" with
2 a question mark -- "Danny DeCarlo, Al Springer --"
3 with two question marks -- "Steve Grogan, Susan Atkins,
4 Patricia Krenwinkel, Leslie Sankston, Lynn Fromme --"
5 with a question -- "Catherine Share, Larry Jones,
6 Catherine Myers, Brenda McCann, possibly others."

7 Do you remember relating that?

4c fls. 8

A No.

4c-1

1 Q You don't remember relating those names to him?

2 MR. MANZELLA: Asked and answered, your Honor.

3 THE COURT: Sustained.

4 Q BY MR. DENNY: Well, is -- is there something that
5 I've read that you do remember relating to it?

6 A Relating to what?

7 Q Is there something in that list of names that I
8 just read, that you do remember relating to Sergeant Whiteley
9 and Deputy Guenther and Deputy District Attorney Katz and
10 Mr. Deutcher on May 15th, 1970?

11 A I don't know what you mean.

12 MR. MANZELLA: It appears to be vague and ambiguous,
13 your Honor. I don't know what Mr. Denny is --

14 Q BY MR. DENNY: Well, did you mention any of those
15 names to him at all?

16 A As far as being at the camp site?

17 Q Yes, ma'am.

18 A Yes.

19 Q Just not all of them that I've mentioned?

20 A You -- you said a name that I never even heard of
21 before.

22 Q What name was that?

23 A Leslie Sankston.

24 Q Oh. Leslie Van Houten, maybe?

25 A Well, I never would have said Sankston. So those
26 notes are incorrect.

27 I've never heard that name before.

28 Q Well, you called her Leslie Houten or Van Houten;

4-c-2

1 right?

2 A Yes.

3 Q Did you call her something else besides that?

4 A No, just Leslie.

5 Q So that maybe -- maybe you did mention Leslie
6 Van Houten or Leslie?

7 A Yes, I could have mentioned Leslie's name.

8 Q Well, did you?

9 A Yes.

10 Q You are sure?

11 A Yes.

12 Q All right. So that other than that, the names as
13 I've read are the names that you gave him; is that right?

14 A No, I don't recall that they are.

15 Q Well, did you give him a different list of names?

16 A I don't think that I named all those people that
17 you have listed.

18 Q Well, you named fewer?

19 A I'm not sure.

20 MR. DENNY: May I approach the witness, your Honor?

21 THE COURT: Yes, you may.

22 Q BY MR. DENNY: Let me show you the names here that
23 I have got on the photostats of some notes.

24 Now, what names are down there that you didn't
25 mention to Sergeant Whiteley and Deputy Guenther and Deputy
26 D. A. Katz and Mr. Deutcher, on May 15, 1970?

27 A I don't recall listing Al Springer's name.

28 I don't recall listing Larry Jones's name.

1 I don't know who Katheryn Meyers is.

2 THE COURT: Do you know who --

3 THE WITNESS: I don't know, your Honor, who that would
4 be.

5 Q BY MR. DENNY: How about Cathy Gillis?

6 A Yes.

7 Q Did you mention Cathy Gillis?

8 A Yes.

9 Q As one who was there?

10 A Yes.

11 Q All right. Other than those that you've mentioned,
12 does he have any other names on there that you did not mention
13 to him?

14 A No, I don't believe so.

15 Q Is the list lacking some names you did tell him?

16 A I'm not sure.

17 Q Well, look at it again.

18 A Yes, it is.

19 Q What names are lacking?

20 A Ruth Morehouse and Sherry.

21 Q Sherry Cooper?

22 A I'm not sure about the last name. And --

23 Q Well, you've mentioned --

24 A -- and Beau.

25 Q -- Sherry Cooper three or four times here,
26 haven't you? As one who was there?

27 A Yes.

28 Q Well, you are sure, then, it was Sherry Cooper?

1 A Well, at the time you said the name just now,
2 Cooper didn't -- you know, sound familiar to me.

3 Q All right. Ruth Morehouse and Sherry. Any
4 others that you mentioned to him that aren't there?

5 A I'm not sure.

6 Q Well, is there anything that would help you to be
7 sure?

8 A No.

9 Q Mary Brunner's name isn't there, is it?

10 A I don't know.

11 Q Well, look at it.

12 A No, it's not on the list.

13 Q But you testified in front of the Grand Jury,
14 in the action against her, that you were sure she was there?

15 A Yes. I remember Mary being at the camp site.

16 MR. DENNY: Sure you do. All right.

17 Your Honor, does the Court plan to take a recess
18 at any time?

19 THE COURT: Yes, the Court plans to take a recess right
20 now.

21 Ladies and gentlemen, we will be in recess for
22 the next ten or fifteen minutes.

23 During the recess, you are admonished not to
24 converse amongst yourselves nor with anyone else, nor permit
25 anyone to converse with you on any subject connected with the
26 matter, nor are you to form or express any opinion on it until
27 it is finally submitted to you.

28 We're in recess.

1 You may step down.

2 (Whereupon, the mid-morning recess was taken
3 at this time.)

5 fol

5-1

1 THE COURT: All the jurors are present. All counsel.
2 Mr. Manzella and Mr. Denny are present, and Mr. Davis is
3 present.

4 You may proceed.

5 MR. DENNY: Thank you.
6 BY MR. DENNY:

7 Q Now, Miss Bailey, when I asked you if you knew
8 what it was to advise, counsel, encourage the commission of a
9 crime -- it has been explained to you, hasn't it, by repre-
10 sentatives of either the police or the Deputy District Attorney's
11 Office that doing that would make you an accomplice; is that
12 right?

13 A No, sir, I don't remember in the words that you
14 put it being told anything like that.

15 Q Well, have you been told by any representatives
16 of the Sheriff's Department or the District Attorney's Office
17 to soft-pedal your initial contribution to a conspiracy to
18 rob and murder Gary Hinman?

19 MR. MANZELLA: Your Honor, that's vague and ambiguous,
20 your Honor. I don't know what Mr. Denny means by "initial
21 contribution."

22 MR. DENNY: By the fact --

23 THE COURT: Sustained.

24 Q BY MR. DENNY: Let me make it clear.

25 Have you been told by any representative of the
26 Sheriff's Department or the District Attorney's Office to
27 soft-pedal the fact in testimony before a jury or Grand Jury
28 that you were the one that suggested that Gary Hinman be

5-2

1 approached for money and that you were present when a
2 discussion of robbing and killing him was had?

3 A No.

4 Q Nobody ever suggested that to you?

5 A No.

6 Q So when you testified on direct examination here,
7 simply to -- oh, and you were asked, by the way, weren't you,
8 whether there was some conversation that was had with Mr.
9 Manson at the Devil's Canyon area; do you recall being asked
10 that on direct?

11 A I don't know what your question is, I'm sorry.

12 Q Well, let me get back to it, if I can.

13 All right, directing your attention to the
14 testimony you gave on Tuesday, January 11th here, discussing
15 the --

16 "Miss Bailey, the time about which we're
17 speaking, the latter half of July, 1969, was the
18 Family living at Devil's Canyon at this time?"

19 And then you go on, yes.

20 "Were there other members of the Family
21 and Mr. Manson --

22 "Yes, we were all around the campfire.

23 "Now, was Mr. Davis present when Mr. Manson
24 made these statements?

25 "A Yes.

26 "Was anyone else present?"

27 And then, you named some people here.

28 "Do you recall if Mary Brunner and Susan

5-3

1 "Atkins were present?"

2 And you say, "Yes, they were.

3 "Now, would you tell us what Mr. Manson
4 said on that occasion with regard to the desert?"

5 And there's an objection.

6 And then, again, "Would you tell us what Mr. Manson
7 said on that occasion?

8 "A Yes, he asked if any of us knew -- could
9 think of any person that had money that we could bring
10 to the Family or get money from to, uh, more rapidly
11 get our things ready to go to the desert.

12 "Q Did you mention the names of anyone you
13 knew?

14 "A Yes.

15 "Q And whose names -- what name or names did
16 you mention?

17 "A I mentioned Gary Hinman.

18 "Q Now, as of that time, latter half of
19 July, 1969, how long had you known Gary Hinman?

20 "A About a year.

21 "Q And you met -- and had you met him when
22 you were staying at Topanga in 1968?

23 "A Yes.

24 "Q Now, is that the first time that Gary
25 Hinman's name was mentioned in the presence of the
26 other members of the Family as the person that had
27 money?

28 "A No." And there's an objection. And then:

1 "Q Were there any other names mentioned by
2 any of the other people present?

3 "A Yes.

4 "Q And was Bruce Davis present at that time
5 that Mr. Manson made those statements?

6 "A Yes.

7 "Q Now, at sometime thereafter did Charles
8 Manson, Mr. Davis and yourself and the other members
9 of the Family move back to Spahn Ranch?"

10 And then, it goes on there.

11 Do you recall that testimony?

12 A Yes.

13 Q All right.

14 And before you testified in this case, did you
15 have some discussion with the prosecutor that you would not
16 go into the subject of getting money from Gary Hinman and
17 killling Gary Hinman?

18 A No.

6 fls.

b-1

1 Q Now, you were rather specific as to the time of
2 another conversation here. Again, going to your testimony
3 of Tuesday, on direct examination.

4 "Q Now, how long after that, that
5 Mr. Manson made these statements in Devil's
6 Canyon, did you move back to the Spahn Ranch?

7 "A A matter of a few days.

8 "Q Now, sometime after the Family
9 moved back to the Spahn Ranch, did you have a
10 conversation with Mr. Manson with regard to
11 Gary Hinman?

12 "A Yes.

13 "Q Approximately how long after you moved
14 back to Spahn Ranch -- rather -- strike that.

15 "Approximately how long after Mr. Manson
16 had made the statements about which you've
17 testified in Devil's Canyon did this occur?

18 "A Later that same week.

19 "Q Do you recall the day on which you
20 had this conversation with Mr. Manson back at the
21 Spahn Ranch?

22 "A Yes, I do.

23 "Q What day was that?

24 "A It was Friday, the 25th of July."

25 Do you remember that?

26 A Yes.

27 Q All right. Now, was your memory better then than it was
28 on August 12th, 1971, when you testified in this case --

6-2

1 A I don't know.

2 Q -- against Mr. Manson?

3 Well, let's go back to your testimony, then.

4 "Q Now, after you moved back to the
5 Spahn Ranch --" this is at Page 5068.

6 "Q Now, after you moved back to the
7 Spahn Ranch, did Mr. Manson make a statement to
8 you with regard to Gary Hinman?"

9 An objection, overruled.

10 "THE COURT: You may answer the question.

11 "THE WITNESS: Do I state the time?

12 "THE COURT: Just state yes or no.

13 "THE WITNESS: Yes.

14 "Q BY MR. MANZELLA: And when did he
15 make that statement?

16 "A On the 26th of July.

17 "Q Now, what had you been doing prior to
18 the time that Mr. Manson spoke to you?

19 "A I was down in the area which we
20 refer to as the dump, where the semi-trailers
21 were parked, and I was cleaning up the area, as
22 we had worked on a dune buggy down there.

23 "Q And who was with you at that time?

24 "A I was with Bill Vance.

25 "Q And did you say where Mr. Manson
26 spoke to you?

27 "A Down in the area we called the dump,
28 by the semi-trailers.

6-3

1 "Q And this is on the Spahn Ranch; is
2 that correct?

3 "A Yes, it is.

4 "Q Well, what part of the day was this?

5 "A It was approximately supper time --
6 or, around 6:00 o'clock.

7 "Q Do you recall what day of the week
8 it was?

9 "A I believe it was -- I believe it was
10 a weekend.

11 "Q Would it have been a Friday?

12 "A Yes.

13 "MR. KANAREK: That's leading and
14 suggestive, your Honor.

15 "THE COURT: The answer may remain."

16 Now, what day was it?

17 A The 25th, Friday.

18 Q It wasn't the 26th?

19 A No.

20 Q After Mr. Manzella suggested to you Friday, in the
21 testimony there, that refreshed your recollection; is that
22 right?

23 A That isn't what refreshed my recollection.

24 Q Well, what refreshed your recollection after you
25 had just testified, two pages earlier, that it was the 26th,
26 which would have been a Saturday?

27 A Because the date that stood out in my mind was the
28 date that I left the ranch. At the time I was asked that

C-4

1 question, I was just going back in my mind -- "Well, if I left
2 on Monday the 28th, then this happened on such and such a
3 day."

4 And I missed -- misdated it by one day.

5 Q I see. You did all that thinking while the
6 questioning was going on here?

6a fol

7 A Yes.
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6a-1

1 Q All right. Now, you've indicated that -- oh, by
2 the way, this Ford, Johnny Swartz' Ford -- it was a Ford, wasn't
3 it?

4 A Yes.

5 Q What kind of Ford?

6 A I don't know.

7 Q Was there anything that would refresh your recollec-
8 tion on that?

9 A No, I don't know the models of cars.

10 Is that what you are asking me?

11 Q Yeah. What color?

12 A Yellow and white; creamy color, yellow and white.

13 Q A two-door or four-door.

14 A I'm not sure.

15 Q Yellow bottom and white top, or vice versa?

16 A I don't recollect at this time.

17 Q Well, did you recollect back in June or July of
18 this summer, when you testified in the Grand Jury hearing, and
19 testified under oath against Mary Brunner?

20 A Did I recollect what at that time?

21 Q Did you recollect what kind of car it was then?

22 A I knew it was a yellow and white Ford. I don't
23 think I was any more specific than that,

24 Q Well, let's refresh your recollection there, ma'am.

25 All right. On page 64 of the Grand Jury transcript:

26 "Would you tell us --"

27 MR. MANZELLA: Excuse me, Mr. Denny. I'm sorry to
28 interrupt.

6a-2

1 Your Honor, that would appear to call for hearsay.
2 If Mr. Denny wishes to refresh the witness' recollection, I
3 believe the correct procedure would be to show her the
4 material and have her --

5 MR. DENNY: Well, I'm going to impeach her with her
6 prior inconsistent statement, and I don't have to show her
7 the impeaching testimony.

8 THE COURT: All right. The statements of both counsel
9 are stricken, ladies and gentlemen.

10 You may proceed.

11 MR. DENNY: "Could you tell us what conversation you
12 had with them after they came out of the trailer?

13 "A Both of them told me they were going with
14 Bob Beausoleil to Hinman's, and Sadie was excited and --

15 "Q You said Sadie was excited. Is Sadie
16 Susan Atkins?

17 "A Right.

18 "Q Is she sometimes called Sadie Glutz?

19 "A Yes.

20 "Q Was there any conversation as to why she
21 was going or anything like that?

22 "A No.

23 "Q What was Miss Brunner's attitude at this
24 time?

25 "A I really couldn't tell her reaction. She
26 just said she was going with Bob Beausoleil.

27 "Q Did you see them leave the ranch?

28 "A Yes. They left in John Swartz' T-Bird."

1 Q Do you remember so testifying?

2 A I don't remember that, but --

3 Q You don't have any recollection of testifying
4 under oath the fact that John Swartz' car was a T-Bird?

5 A No, I don't -- I really don't remember saying it
6 was a T-Bird. But I'm not saying I didn't say that.

7 I'm just saying I don't remember it.

8 Q Well, is it a T-Bird?

9 A I don't know.

10 Q Or was it a T-Bird?

11 A I don't know what kind of Ford it was.

12 Q Were you guessing there, when you testified
13 before the Grand Jury, under oath?

14 A (Pause.) I don't know.

15 Q Well, you know better than anybody else. Were
16 you guessing?

17 MR. MANZELLA: That's argumentative.

18 THE COURT: That's asked and answered.

19 Q BY MR. DENNY: All right. Let's go to your
20 testimony here in this case.

21 Starting at page 3061.

22 "Now, sometime after you left the dump
23 and walked up toward the Rock City Cafe, did you
24 see this defendant, Bruce Davis?

25 "A Yes, I did.

26 "Q And where was he when you saw him?

27 "A He was standing in front of the saloon.

28 "Q And is the saloon also shown in that

1 "same photograph?

2 "A Yes, it is."

3 And he goes on with having a sign over the door
4 saying "Saloon."

5 "Q Was anyone with Mr. Davis at that time?

6 "A Yes, Charles Manson.

7 "Q Was anyone else with him?

8 "A Robert Beausoleil.

9 "Q And what were they doing, as far as you
10 could see?

11 "A As far as I could see, they were just
12 standing there, having a conversation.

13 "Q Did you hear any part of that conversation?

14 "A No, I did not, because I was talking with
15 someone else --"

16 And there's an objection. And then, a new
17 question by Mr. Manzella.

18 "Q Were you with anyone when you were walking
19 up towards Rock City Cafe? Strike that.

20 "When you arrived at this point that you
21 are at now in your testimony, were you with anyone?

22 "A Yes, I was.

23 "Q Who was that?

24 "A Mary Brunner and Susan Atkins."

7 fls.

7-1

...

1 "Q All right, now, did you see them after
2 you saw Mr. Davis, Mr. Beausoleil and Mr. Manson
3 standing, talking in front of the saloon?

4 "A It was at the same time."

5 And then, you even marked on this diagram where
6 they were.

7 Do you recall that?

8 A Yes.

9 Q Well, now, would you show me again where it is they
10 were?

11 A (Witness indicating.)

12 Q You are pointing to an X to the right of six dots
13 with an E. B. under the X, is that right?

14 A Yes.

15 Q And that is in front of the building with a
16 peaked roof which is the saloon?

17 A Yes.

18 Q And how close was Mr. Manson to Mr. Beausoleil?

19 A They were standing next to each other.

20 Q Within a foot of each other or two, at the most?

21 A Two or three.

22 Q How close was Mr. Davis to Mr. Manson and
23 Mr. Beausoleil?

24 A He was standing close to them, also.

25 Q Within two or three feet?

26 A Yes.

27 Q He appeared to be joining in the conversation?

28 A They appeared to be having conversation, yes.

7-2

1 Q Did he appear to be joining in the conversation?

2 A Yes.

3 Q By the way, Mr. Manzella asked you about your
4 glasses. What is your vision?

5 A I don't know.

6 Q When did you last go to an optometrist?

7 A Hmmm, I can't remember.

8 Q When did you get those glasses?

9 A I'm not sure how long I've had them.

10 Q Anything refresh your recollection on that?

11 If you ask your mother, would that help? Could she
12 tell you?

13 A I'm not sure if she could or not. I've had them
14 for quite a while.

15 Q Well, now, what does that mean?

16 A Well, I've had the same lenses in the glasses since
17 I lived in Tacoma, Washington.

18 Q When was that?

19 A In March of 1970. It was shortly after I was
20 released that I got glasses.

21 Q All right. You went to an optometrist or did you
22 pick them up at a five-and-dime or something like that?

23 A I went to an optometrist.

24 Q And he told you what your vision was uncorrected,
25 didn't he?

26 A No, I don't think he told me what my vision was.

27 Q Did he tell you whether you are nearsighted or
28 farsighted?

7-3

1 A Yes, I'm nearsighted.

2 Q And very nearsighted, aren't you?

3 A I don't know what that means.

4 MR. MANZELLA: Your Honor --

5 Q BY MR. DENNY: And you didn't wear your glasses
6 during the time you were on the Spahn Ranch with the Manson
7 Family, did you?

8 A No.

9 Q You didn't have them, did you?

10 A No, not at the Spahn Ranch.

11 Q How far away were you from what you say is this
12 group of three engaged in conversation when you saw them so
13 engaged, as you say?

14 A Around 30 feet.

15 Q How far is that in measurement in the courtroom
16 here, would you say?

17 A I'd say to about the break in the aisle that goes
18 to the door, somewhere about that far.

19 Q Back beyond the three rows of seats over here on
20 the left-hand side as you're facing it?

21 A Yes.

22 MR. DENNY: Does the Court have a chart?

23 THE COURT: I don't have the chart indicating that
24 distance, gentlemen.

25 Perhaps you gentlemen could stipulate as to what
26 that is for the record.

27 MR. KAY: If we knew, we would.

28 MR. DENNY: I can't stipulate at this time, your Honor.

1 THE COURT: Just leave it to the jury, then. It appears
2 to the Court to be about 25 to 30 feet.

3 Q BY MR. DENNY: All right, Miss Bailey, was it at
4 this time that you say you saw Bruce with the gun in his hand?

5 A Yes.

6 Q And Bobby with the knife in the sheath?

7 A Yes.

8 Q And Bruce was standing there with his gun in his
9 hand?

10 A Yes.

11 Q Did you see him give it to anybody?

12 A No.

13 Q Did you have a conference with Deputy District
14 Attorney Burton Katz and Sergeant Paul Whiteley on February
15 18, 1971, at approximately 10:00 A. M. in Room 649 of the
16 Hall of Justice, do you remember?

17 A I don't remember.

18 Q Well, do you remember having a conference with
19 Mr. Katz and Sergeant Whiteley in February of 1971?

20 A I don't recollect if it were -- in February?

21 Q February 18, 19- --

22 A 1971, I can't remember.

23 Q Well, had you had a number of conferences with
24 Mr. Katz here?

25 A No, I haven't had a number of conferences with
26 Mr. Katz. I've had a few.

27 Q A few?

28 A Yes.

7-5

1 Q Ranging over a period of over a year?

2 A Yes.

3 Q When's the first one you had with Mr. Katz here
4 in the Hall of Justice? Not when he went up to Tacoma, but
5 here in the Hall of Justice?

7a fol

6 A Oh, I don't recollect when that was.

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7a-1

1 Q Anything help you to refresh your recollection
2 there?

3 A Maybe he'd remember, I don't.

4 Q Well, if you saw a report of Mr. Katz' dated
5 February 18, 1971, would that refresh your recollection?

6 A Yes, if it stated that that's when, you know,
7 we had a conference, yes.

8 THE COURT: Incidentally, the Court does have a chart
9 now which it indicates that from measurements previously
10 made that from the front of the witness stand directly out
11 to that rail, where Mr. Jeffery is seated, it is 20 feet
12 six inches. Twenty feet four inches.

13 MR. DENNY: May I approach the witness, your Honor?

14 THE COURT: Yes, you may.

15 Q BY MR. DENNY: Miss Bailey, I'll show you a
16 six-page typewritten document captioned "Statement of Ella
17 Jo Bailey, taken in Room 649, Hall of Justice, by Burton
18 Katz and Sergeant Paul Whiteley on February 18, 1971, at
19 10:00 a.m."

20 Does that refresh your recollection?

21 A Yes.

22 Q Why does that help refresh your recollection?

23 MR. MANZELLA: It is not relevant, your Honor.

24 THE COURT: Sustained.

25 Q BY MR. DENNY: Well, do you assume because I put
26 a piece of paper under your face with that date and time,
27 that that is the time that you had a conversation with him?

28 MR. MANZELLA: It is not relevant.

7a-2

1 MR. DENNY: Yes, it is, your Honor, I submit.

2 THE COURT: Sustained. The objection is sustained.

3 Q BY MR. DENNY: All right, let's go to that
4 statement. Page 2, paragraph 3.

5 Did you tell Mr. Katz and Sergeant Paul Whiteley
6 on February 18, 1971, at approximately 10:00 a.m., in Room 649
7 of the Hall of Justice the following:

8 "That same day I heard Manson talking
9 with Beausoleil in the parking lot at Spahn Ranch.
10 This conversation took place several hours after
11 the conversation between --" you "-- Bill Vance and
12 Manson. Beausoleil was carrying around that auto-
13 matic pistol which took a clip. This is the same
14 gun that you saw Bruce Davis with on many occasions.
15 Beausoleil was also wearing, also wearing a Mexican
16 knife housed in a sheath. At the time of the
17 conversation between Manson and Beausoleil, Bruce
18 Davis was in the general vicinity where the conver-
19 sation took place."

20 Do you recall making that statement?

21 A No.

22 Q Any part of it, ma'am?

23 A No, I don't recall it.

24 Q So that if he wrote that down, he misconstrued
25 when he said -- so he is in error?

26 A I don't know. I don't recall it.

27 Q Well, you did talk to him about this particular
28 situation, this particular series of events, didn't you?

1 A I don't know.

2 Q You don't have any recollection of talking with
3 him and Sergeant Whiteley?

4 A I recollect talking with Mr. Katz and Sergeant
5 Whiteley, but I don't remember, you know, when that took
6 place really or, uh -- I don't remember the conversation.

7 Q It is hard to remember what you say when,
8 from one time to the next; isn't it?

9 MR. MANZELLA: It is argumentative.

10 THE COURT: Sustained.

11 Q BY MR. DENNY: I am going to go back just a
12 minute to this time when the car you say you saw left.

13 We already, I think the first thing this
14 morning, went over -- it is page 13 of Mr. Whiteley's
15 notes -- "That's while I was at the ranch house."

16 You say that's wrong, is that right?

17 A Yes, that's wrong.

18 Q All right. Let me go to page 22 of those notes.

19 Did you, on May 16, the day following your
20 first conference with them, May 16, 1970, again -- well,
21 let me ask, was that second conference in the presence of
22 the same parties?

23 A I'm not sure if, uh -- what detectives were
24 there from Tacoma. I'm not positive about that. But, uh,
25 Sergeant Whiteley was there.

26 Q Deputy Guenther?

27 A Yes.

28 Q Deputy District Attorney Katz?

1 A Yes.

2 Q Mr. Deutcher?

3 A Yes, I believe he was.

4 Q Had there been detectives from Tacoma there the
5 first day, that is, May 15?

6 A Yes.

7 Q How about the second day?

8 A Yes, they were there.

9 Q But possibly different ones?

10 A I'm not sure if they were there.

11 Q All right.

12 Well, going to May 16, 1970, approximately
13 12:46 p.m.

14 Did you state to Sergeant Whiteley, "I heard them
15 left -- I heard they left."

16 A No, I don't recall saying that. I saw them
17 leave.

18 Q You saw them --

19 MR. MANZELLA: Your Honor, excuse me, with reference
20 to what Mr. Denny read from the notes of Sergeant Whiteley,
21 People would object and ask that be stricken. It is taken
22 out of context. Those notes do not refer to the time period
23 about which the witness is testifying.

24 THE COURT: Well, your objection is a little late.
25 The objection is overruled.

26 MR. MANZELLA: Your Honor, I am asking that the witness
27 answer be stricken.

28 MR. DENNY: Let me put it in context to take care of

1 this objection.

2 THE COURT: All right, if you are doing that, the Court
3 will strike the answer and will strike the question.

4 You may rephrase it.

5 Q BY MR. DENNY: All right, did you tell him in
6 substance and effect this:

7 "Charlie wanted me to go to Gary's
8 house and get money. They were going to take
9 a gun. I was picked to go and Bill V told Charlie
10 I wasn't going. Charlie said Bobby, Mary and Sadie
11 were going to go. They took a German gun. It
12 belonged to Bruce. Gary was to sign over his house
13 and car titles. I heard they left."

14 A And you're asking me what?

15 Q I'm asking you if that's in sum and substance
16 what you told these officers and Deputy District Attorney
17 Katz and detectives on May 16, 1970, in Tacoma, Washington,
18 at about 12:46 p.m.?

19 A Some of that's correct and some of it isn't.

8 fls.

8-1

1 Q Well, now, what part isn't?

2 A What isn't correct?

3 Q Yes.

4 A That I only heard that they left. Because I saw
5 them leave in the car, and --

6 You'd have to read it again. I can't remember.

7 Q But that -- that part, anyway, that you heard that
8 they left, again, if Sergeant Whiteley wrote that, he mis-
9 construed what you said?

10 A Yes.

11 Q Just the way he misconstrued it on the day
12 previous, --

13 A Yes.

14 Q -- May 15th, when he wrote that you were at the
15 ranch house when they left?

16 A Yes.

17 MR. DENNY: I see. All right.

18 THE COURT: We will recess now, ladies and gentlemen,
19 until 2:00 o'clock.

20 During the recess, you are admonished not to
21 converse amongst yourselves nor with anyone else, nor permit
22 anyone to converse with you on any subject connected with this
23 matter, nor to form nor express any opinion on the matter,
24 until it is finally submitted to you.

25 It will be 2:00 o'clock.

26 Miss Bailey, return at 2:00.

27 (Whereupon, the members of the jury commenced to
28 exit the courtroom, and the following proceedings were had:)

8-21

1 MR. DENNY: Your Honor, before the --

2 THE COURT: I don't have much time, because I have a
3 meeting, but I'll hear from you briefly.

4 MR. DENNY: It will be brief, your Honor.

5 (Pause in the proceedings until the members of the
6 jury completed exiting the courtroom.)

7 THE COURT: Yes. What's on your mind?

8 MR. DENNY: I would request, your Honor, that the
9 document signed by Miss Bailey be brought to court for
10 inspection and introduction into evidence.

11 THE COURT: Mr. Whiteley? Sergeant Whiteley, do you have
12 a document signed by Miss Bailey, wherein she's granted some
13 type of immunity?

14 SERGEANT WHITELEY: No, sir.

15 MR. MANZELLA: Your Honor, we may have that document.

16 THE COURT: From what I could gather, from what she
17 said, it appears to have been executed in Tacoma, Washington --
18 although it might be an unjustifiable conclusion on my part.

19 But if you can produce that -- either of you have
20 it -- the Court would order -- that is, if either of you,
21 Mr. Manzella or Mr. Kay, has it, the Court would order that
22 you produce it --

23 MR. MANZELLA: Yes, your Honor.

24 MR. DENNY: Thank you, your Honor.

25 THE COURT: -- for Mr. Denny.

26 (Whereupon, at 12:03 P. M., an adjournment was
27 taken until 2:00 o'clock P. M. of the same day, Thursday,
28 January 13, 1972.)